

§Appl. No. 10/564,276
Amdt. dated December 27, 2007
Reply to Office Action of, October 2, 2007

REMARKS

The only issues outstanding in the Office Action mailed October 2, 2007, are the rejections under 35 U.S.C. §§112/101 and 102. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Rejections Under 35 U.S.C. §112/101:

Claim 10 has been rejected under 35 U.S.C §§112 and 101. This claim has been cancelled, in as much as its non-U.S. format was redundant to device claim 11. Accordingly, withdrawal of these rejections is respectfully requested. The scope of the invention has not been reduced by cancellation of this claim.

Rejections Under 35 U.S.C. §102:

Claims 1-7 and 10-11 have been rejected under 35 U.S.C. §102(b) over Rieger '423 or '026 (commonly assigned). Reconsideration of this rejection is respectfully requested.

As acknowledged in the Office Action which does not reject claim 8, both Rieger patents do not disclose or suggest liquid crystalline media containing compounds such as those of claim 8, formulae XI through XVII, having unsubstituted rings. In view of the incorporation of the features of claim 8 into claim 1, it is submitted that this rejection is moot, and withdrawal thereof is respectfully requested.

Claims 1-11 have been rejected under 35 U.S.C. §102(e) over Kirsch '699 (commonly assigned). Reconsideration of this rejection is also respectfully requested. It is respectfully submitted that Kirsch is not prior art under 35 U.S.C. §102(e) against the present application, in as much as the PCT application upon which Kirsch was based was *not* published in English. The reference is not available as of its international filing date nor as of its §371 date, but only as of its March 2006 publication. Accordingly, the application does not represent a reference against the present application which has a filing date even in the U.S. prior thereto. See MPEP §706.02(f)(1). Withdrawal of the rejection is respectfully requested.

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The claims in the application are submitted to be in condition for allowance. However, should the Examiner have any questions or comments, he is cordially invited to telephone the undersigned below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,
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